

United States District Court

FILED

DEC 04 2007

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

CRIMINAL COMPLAINT

JULIO CESAR REBOLLAR
a/k/a JULIO NEVARRO-REBOLLAR
a/k/a JAVIER REYES HERNANDEZ

CASE NUMBER: 3 07 70723

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 3, 2007 in San Francisco County, in the Northern District of California defendant(s) did,

OFFENSE: JULIO CESAR REBOLLAR (a/k/a JULIO NEVARRO-REBOLLAR and JAVIER REYES HERNANDEZ), an alien, after having been removed, excluded, and deported from the United States, was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

PENALTIES: Imprisonment for not more than 20 years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.

APPROVED AS TO FORM:

Turek J. Hefner
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No

Bail Amount: **NO BAIL**

[Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

12/4/07

at

San Francisco, California

City and State

Honorable Maria-Elena James

United States Magistrate Judge

Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA)
) ss, AFFIDAVIT
CITY AND COUNTY OF SAN FRANCISCO)

I, Tim Patterson, Special Agent, U.S. Immigration and Customs Enforcement (ICE),
being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against JULIO CESAR REBOLLAR, a/k/a JULIO NEVARRO-REBOLLAR, a/k/a JAVIER REYES HERNANDEZ, for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of REBOLLAR'S official Immigration Service file (No. A75 113 748), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts related to REBOLLAR that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Special Agent with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately 5 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326 provides criminal penalties for “any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien’s reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act”

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. JULIO CESAR REBOLLAR, a/k/a JULIO NEVARRO-REBOLLAR, a/k/a JAVIER REYES HERNANDEZ is a 35 year-old male who is a native and citizen of Mexico. REBOLLAR was deported from the United States to Mexico on November 3, 1998. REBOLLAR last entered the United States illegally on an unknown date in January 2006 by voluntarily crossing into California through the international border with Mexico by foot.

REBOLLAR knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.

5. The official Immigration Service file for REBOLLAR contains one executed Warrant of Removal. The Warrant of Removal is dated November 3, 1998, the day that REBOLLAR was deported from the United States to Mexico.

6. On or about November 27, 2007, officers of the Petaluma Police Department encountered REBOLLAR pursuant to his arrest in Sonoma County, California on unrelated charges. REBOLLAR stated that his name was Javier Reyes Hernandez. ICE agents were notified that REBOLLAR was in the custody of the Petaluma Police Department and lodged an ICE detainer against him.

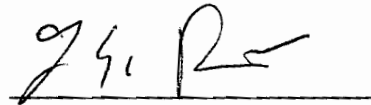
7. On December 3, 2007, I interviewed REBOLLAR at the ICE office in San Francisco, California. After REBOLLAR was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name was JULIO CESAR REBOLLAR. REBOLLAR admitted that he was a citizen and national of Mexico and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States on an unknown date in January 2006.

8. On December 3, 2007, the Federal Bureau of Investigation Special Processing Center compared fingerprints from REBOLLAR'S November 3, 1998 Warrant of Deportation with fingerprints taken incident to REBOLLAR'S November 27, 2007 arrest, discussed in paragraph 6, above, which were provided by the Sonoma County Sheriff's department. The comparison showed that the fingerprints on the November 3, 1998 Warrant of Deportation are identical to the fingerprints taken by the Sonoma County Sheriff's Department incident to REBOLLAR'S November 27, 2007 arrest.

9. There is no indication in ICE's official files that REBOLLAR has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

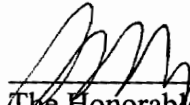
V. CONCLUSION

10. On the basis of the above information, I submit that probable cause exists to believe that JULIO CESAR REBOLLAR, a/k/a JULIO NEVARRO-REBOLLAR, a/k/a JAVIER REYES HERNANDEZ illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.



Tim Paterson
Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this C / day of December, 2007.



The Honorable Maria-Elena James
United States Magistrate Judge
Northern District of California
San Francisco, California